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EXAMINER

DWIVEDI, VIKANSHA S

ART UNIT

PAPER NUMBER

3746

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/642,828

Applicant(s)

CHIEN, HUAN-JAN

Examiner

Vikansha S. Dwivedi

Art Unit

3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 6/9/2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### ***Information Disclosure Statement***

The listing of references cited in the Application is not considered to be an information disclosure statement (IDS) complying with 37 CFR 1.98. 37 CFR 1.98(a)(2) requires a legible copy of: (1) each foreign patent; (2) each publication or that portion which caused it to be listed; (3) for each cited pending U.S. application, the application specification including claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion, unless the cited pending U.S. application is stored in the Image File Wrapper (IFW) system; and (4) all other information, or that portion which caused it to be listed. In addition, each IDS must include a list of all patents, publications, applications, or other information submitted for consideration by the Office (see 37 CFR 1.98(a)(1) and (b)), and MPEP § 609.04(a), subsection I. states, "the list ... must be submitted on a separate paper." Therefore, the references cited in the Application have not been considered.

### ***Objections***

#### ***Abstract***

The abstract of the disclosure is objected to because of undue length. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The

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abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Claim Objections***

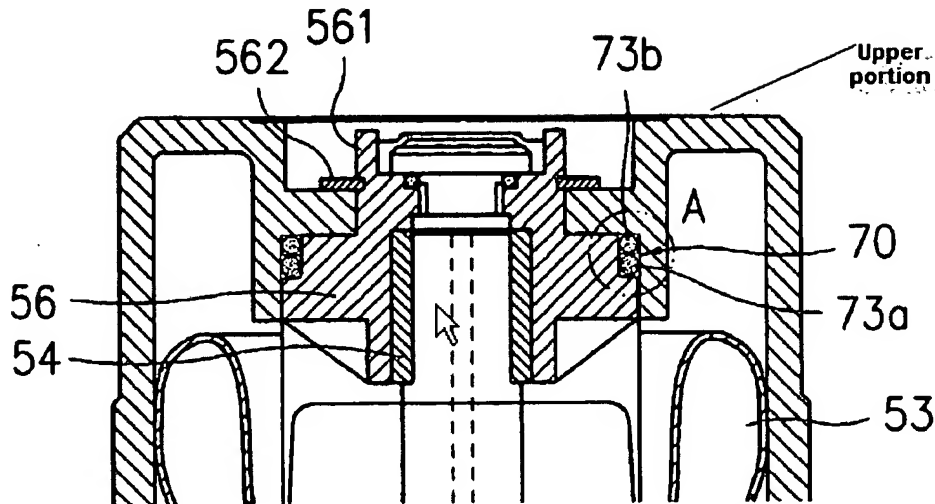
Claim 1,8-9, 11, and 13 are objected to because of the following informalities:

Claim 1, the use adjective "indeed" is redundant.

Claim 8 and 9, the word "clapped" appears to be a spelling mistake for – clamped—. Also in claim 9, line 13 "... and adjacent ..." seems to be a typing error for – an adjacent—.

Claim 11 is a dependent claim of claim 7 and claim 7 discloses a canned motor. In claim 11 the applicant brings in a new element "canned motor-pump" which is not present in Claim 7. The applicant is advised to correct the claims accordingly.

Claim 13, the applicant's use of "the upper portion" is not accurate with the drawings.



Above figure shows the said upper portion. The language of claim 13 is confusing and needs revision. The applicant is suggested that because of the improper claim language the invention reads on the prior art.

Appropriate correction is required.

### ***Claim Suggestions***

For the purpose of examination (rejection) the claims depending on Claim 7 have been treated as if "...mainly..." was not there in the first line of Claim 7.

The washer is being interpreted as a sealing element.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4-7,9, 10-13 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In the aforementioned claims words used such as : “...**appropriate**...”, “...**approximately**...”, “...**mainly has**...”, “...**may**...”, do not distinguish over the prior art. The inventor is suggested that the use of these words or phrases does not apply any positive limitations on the claims and makes the claim indefinite.

With respect to **Claim 4** it is unclear as to what structurally constitutes the limitations of the “wrinkling structure of wave’s shape” or what the inventor means by “**appropriate** tolerance”.

With respect to **claim 5** it is unclear as to what structurally constitutes the limitations of the “...is **approximately** larger than the...”

With respect to **Claim 6** it is unclear as to what structurally constitutes the limitations of the “wrinkling structure of wave’s shape” or what the inventor means by “**appropriate** tolerance”.

**Claim 7** is being rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The first line of the claim “...which **mainly has**...” renders the claim indefinite.

**Claim 9** is being rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention. The use of word "**may**" in claim 9 lines 9 and 17 renders the claim indefinite.

**Claim 10** is being rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to clearly state what the applicant means by "...appropriate tolerance..."

With respect to **Claim 11** it is unclear what structurally constitutes the limitations on "...**approximately** larger..."

With respect to **Claim 12** it is unclear what the inventor means by "...**appropriate** tolerance..."

With respect to **Claim 13** the use of the word "...**appropriately**..." renders the claim indefinite and does not state the limitations on the projection of the bearing seat.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

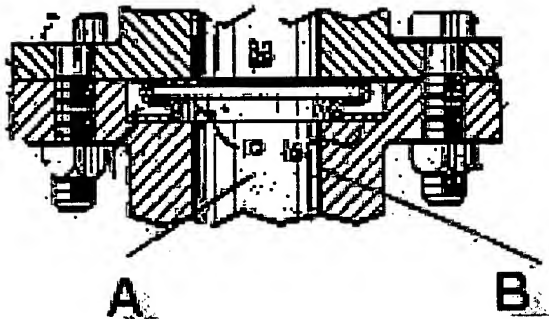
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-2, 8 are being rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent number 4,838,763 in view of US Patent number 3,285,632.

Claim 1 is being rejected as being unpatentable over Kramer (US patent number 4,838,763) in view of Dunkle (US patent 3,285,632). Kramer discloses a canned motor pump with at least two coaxial tubular walls defining an annular space, upper and lower bearing, fastening ring and projection section (Figure 1). This reference (Kramer) lacks the bending structure that will form at least two grooves surrounding the inner shell and the position and orientation of the grooves as stated in claim 1. Dunkle teaches the sealing technique that was known at the time of the invention to be useful for preventing leakages in the gasket seal. At the time of invention it would have been obvious to one of ordinary skill in the art to replace the O-ring type sealing elements as disclosed by Kramer with better technique such as gasket sealing as disclosed by Dunkle in order to improve the sealing. Kramer clearly teaches that the sealing is important by the use of the o-ring (o-ring seal 82, Figure 1). Dunke teaches the superior sealing that efficiently provides a fluid seal (Please refer to Dunkle Paragraph 3 more precisely line 38).



With respect to Claim 2 (Dunkle) show the bending structure of the inner shell located at the upper edge of the inner shell.



**Figure 1**

A is the inner shell in figure 1.

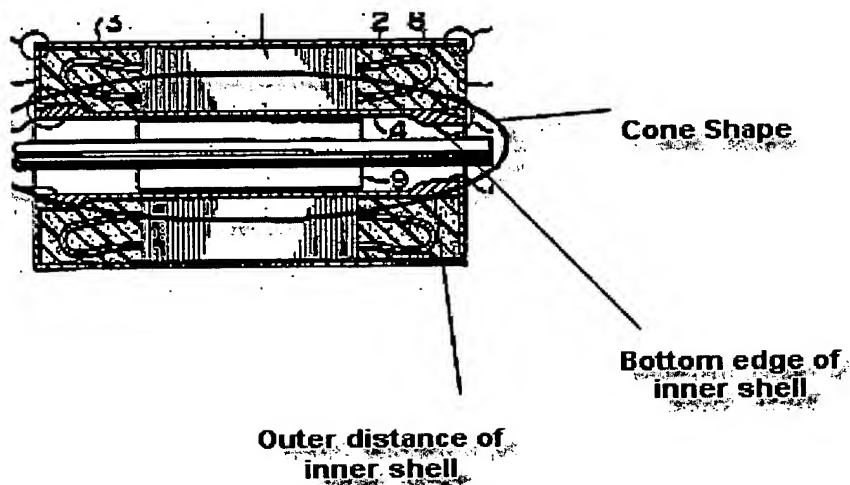
B is the outer surface of the inner shell in figure 1.

Claim 8 is being rejected as being unpatentable over Kramer. Dunkle discloses gasket 10, Figure 6 which can accommodate various types of seals Page 3 first paragraph.

Claim 3 is being rejected as being unpatentable over Kramer (US patent number 4,838,763) in view of Dunkle (US patent 3,285,632) and further in view of Bollibon (US Patent number 3,209,183). Bollibon discloses a canned motor pump with a flange part 92 in the patent figure. Kramer discloses a canned motor pump with o-ring type seal but does not teach a flange attached to the outer surface. Bollibon teaches the arrangement of the flange. At the time of invention it would have been obvious to one of ordinary skill in the art to use the teachings Kramer in view of Bollibon.

Claim 14 and 15 are being rejected as being unpatentable over Kramer (US patent number 4,838,763) in view of Dunkle (US patent 3,285,632) and further in view of Fukushi (US patent 4,492,889).

As set forth in the above rejection Kramer in view of Dunkle discloses the invention substantially as claimed. Kramer in view of Dunkle does not disclose the inclining cone surface. Fukushi discloses inclining cone surface as shown below, which is Figure 2 of Fukushi. At the time of invention it would have been obvious to one of ordinary skill in the art to use the teachings Kramer in view of Fukushi.



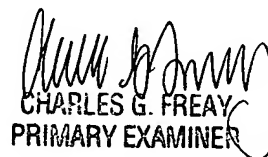
The above figure that is taken from Fukushi reads on the limitations set forth by Claim 14 and 15.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vikansha S. Dwivedi whose telephone number is 571-272-7834. The examiner can normally be reached on M-F, 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy S. Thorpe can be reached on 571-272-4444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VSD  
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CHARLES G. FREAY  
PRIMARY EXAMINER